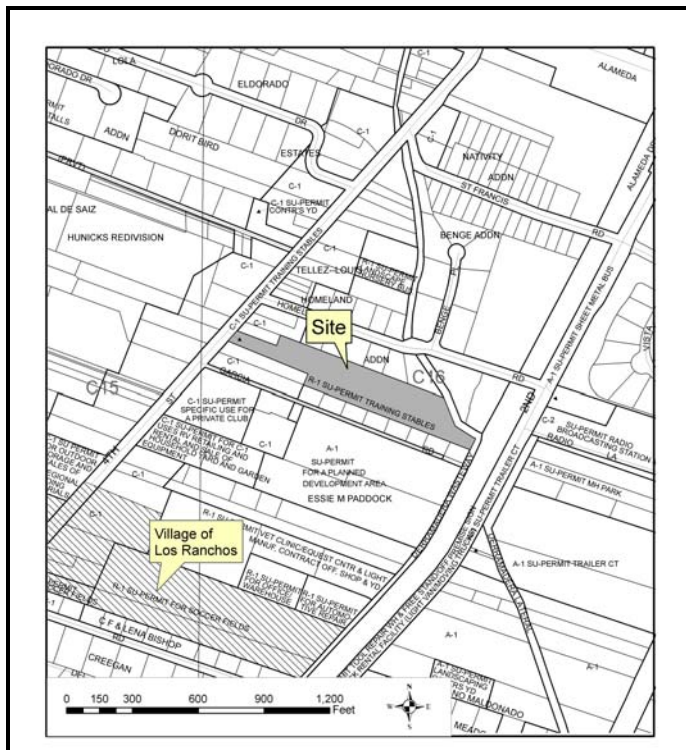


Applicant:	Sandia Farm LLC
Agent:	Jon Anderson Architect
Location:	9034 4 th St. NW
Property Size:	Approximately 4 acres
Existing Zone:	R-1 & C-1
Proposed Request:	Special Use Permit for a Specific Use for Business Service (Commercial Stables)
Recommendation:	Approval



Summary:	The applicant is requesting an amendment to an existing Special Use Permit for Training Stables to include a covered riding arena and three turnout covers. The existing Special Use Permit for Training Stables was granted for the life of the use for this property in 1972 followed by an amendment to the Special Use Permit that included the addition of three turnouts approved in July 1997.
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Staff Planner: Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
 2. Land Use Map
 3. Notice of Decision dated August 1997 and related approvals
 4. Petition of Neighborhood Support
 5. Site Plan (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from June 27, 2006 to July 10, 2006. Agency comments were used in preparation of this report, which being on page 13.

AGENDA ITEM NO.: 17
County Planning Commission
August 2, 2006

CSU-60031 Jon Anderson Architect, agent for Sandia Farm LLC, requests approval of a Special Use Permit for a Specific Use for Business Service (commercial stable) on Tract 2, LD-71-478, located at 9034 4th Street NW, zoned R-1 & C-1, containing approximately 4 acres. (C-16)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	C-1 and R-1 w/a Special Use Permit for Training Stables and Turnouts	Residence, Training Stables, Riding Area and Turnouts
North	C-1 and R-1	Commercial and Residential Uses
South	C-1 and R-1	Commercial and Residential Uses
East	Alameda Drain and 2 nd Street	Alameda Drain
West	C-1	Commercial Uses

BACKGROUND:

The Request

The applicant is requesting a Special Use Permit for Specific Use for Business Service (Commercial Stables). The site is located at 9034 4th Street NW and contains approximately 3.68 acres. This request would amend the existing Special Use Permit for Training Stables and turnout areas by the proposed covered riding arena and covered turnout areas. The existing uses on this property for training stables and turnout areas were allowed by a Special Use Permit granted in 1972 and an amendment to the Special Use Permit granted in July 1997.

The applicant contends that the existing Special Use Permit was granted in 1972 that was followed by residential development occurring thereafter and that the proposed request will not change or increase the intensity of the land use which has not had and will not impact the health, safety and general welfare of the community. He further contends that the intent is to improve the quality and experience of the existing activity as well as providing new amenities. Also the proposed improvements of the property is analogous to the current use and activity now occurring on the site.

Surrounding Land Use and Zoning

The site is situated amid commercially zoned property primarily fronting along Fourth Street followed by residential zoning. Contiguous to the site on both the north, south and across Fourth Street to the west of the site exist C-1 zoned development with commercial uses along Fourth Street and R-1 zoning along Garcia and Homeland Roads developed with residential dwellings. To the east the site exist the Alameda Drain that separates the site from Second Street.

There have been numerous Special Use Permits granted in the general vicinity of this site. These following are just a few of the Special Use Permits: (1) Special Use for a Special Use for a Private Club (CSU-40008 that was granted August 2004; (2) Special Use Permit for C-1 Uses RV Retail and Household Yard and Garden Equipment; (3) Special Use for a Veterinary Clinic, Equestrian Center and Light Manufacturing, contractor's office, shop and yard (CSU-86-62) and (4) Special Use Permit for a Planned Development Area (CSU-40019).

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive. The Goal is to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.

Policy 3.a. states, "Rural Areas as shown by a Plan map shall generally retain their rural character with development consisting primarily of ranches, farms and single-family homes on large lots; higher density development may occur at appropriate locations – within rural village or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.

- . Rural Area density patterns shall be more specifically defined through lower rank plans.
- . Higher density development must provide local government with property rights ensuring appropriate overall-area gross density.
- . Each higher density development must be controlled by site development plan and is to be located well away from other such higher density areas.
- . Small "rural village: should contain compact housing areas – usually not more than 100 dwelling – with very few stores to serve the village.
- . Planned communities will follow the Reserve Area policies concerning such communities."

Policy 3.b states "Development in Rural Areas shall be compatible with natural resource capacities, including water availability and capacity, community and regional goals and shall include trail corridors where appropriate."

Policy 3. g states, "The following policies shall guide industrial and commercial development in rural areas:

- Small-scale, local industries which employ few people and may sell products on the same premises are the most desirable industrial use.
- Neighborhood and/or community-scale rather than regional scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages.

Economic Development

The Goals is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Policy 6.b states, "Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

North Valley Area Plan

This property is located within the Rural area of the North Valley Area Plan. The Plan states, following the Comprehensive Plan, that overall densities should not exceed one dwelling unit per acre in the Rural Area.

Policy 2 (Land Use) states 'The City and County shall stabilize residential zoning and land use in the North Valley Area.' This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of approval are not met and permits that are otherwise in violation of the Zoning Ordinance.
- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development especially in Semi-Urban and Rural areas where such land is adjacent to irrigation ditches.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.

- e. Retain the low-density character of the North Valley.

The property is located in the Alameda Sub-area of the North Valley Area Plan. This area is predominantly rural, but with a trend toward higher residential density and some non-residential development, particularly nearby Second Street and Fourth Street along Alameda Blvd. and on Fourth Street.

The “Trend Scenario” of the Plan suggests that new zone changes could have the effect of destabilizing residential areas and increasing traffic, and could result in strip commercial streetscape.

Both the “Comprehensive Plan Scenario” and the “Preferred Scenario” of the Plan call for the present zoning pattern to guide future land uses

The plan recommends that new commercial and higher density development occur at village centers to be located at 4th Street and Alameda Blvd., and at 2nd St. and Alameda Blvd.

However, Policy 2.3.c (Land Use) states that the City and County shall promote commercial development and redevelopment of existing commercially zoned properties.

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or

COUNTY PLANNING COMMISSION

August 2, 2006

CSU-60031

3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes

the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 18. B.32.a- Special Use Permit Regulations –Specific Use:

- a. (Office/Commercial) In certain situations based on unique conditions the owner may apply for any of the specific uses set forth in Sections 12, 13, 14 or 15 of this Ordinance. The special use for a specific use (office/commercial) may be granted if the owner/applicant proves by clear and convincing evidence that: (1) unique conditions exist that justify the request and (2) there is substantial support from neighborhood residents (or owners of property) within 200 feet of the site for the proposed special use.

In certain situations based on unique conditions, and where there is evidence of substantial support from the affected neighborhood residents and/or property owners within 100 feet, a Special Use Permit may be recommended for approval by the Board of county Commissioners for any of the specific uses set forth in Section 12, 13, 14, 15, 16, 17, and 18 of the Bernalillo County Zoning Ordinance. The Special Use Permits may be considered by the County Planning Commission only after it has been determined that the requested zone is inappropriate, and that unique conditions and substantial neighborhood support exist.

Section 19: Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.

1. Sites of one acre or less:

- a. There shall be a landscaped setback along all streets of no less than ten feet.
- b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
- c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.

2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.

- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single-family residential use, except for those sides abutting public right-of-way.

- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.
- G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.
- H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

ANALYSIS:

Surrounding Land Use and Zoning

The existing and proposed uses on the subject property appear to be compatible with the various commercial uses nearby the property and along Fourth and Second Streets that exist under C-1 zoning or were established under Special Use Permits. The site is situated amid commercially zoned property primarily fronting along Fourth Street with residential property to the immediate north and south of the site. To the east the site exist the Alameda Drain that separates the site from Second Street.

Plans

The property is located in the Rural Area of the Comprehensive Plan and the North Valley Area Plan that suggests that this Area retain it rural, residential character and should not allow new permanent zone changes or special use permits for industrial or heavy commercial uses. However, the North Valley Area Plan does state that existing commercially-zoned properties may be developed or redeveloped with commercial uses and recognizes Fourth Street as an existing commercial corridor.

Zoning Ordinance

This request is not in significant conflict with Resolution 116-86 in that the use is more advantageous to the community as articulated in Policy 3.c of the North Valley Area Plan that states the City and County shall promote commercial development and redevelopment of existing commercially-zoned property. The site is located on Fourth Street in what is mainly a commercial area and recognized as a commercial corridor, therefore, the request does not appear to conflict with the plans.

Agency Comments

The Office of Environmental Health has commented that a mosquito control plan for the on-site ponding is required and proof of connection to utilities or valid septic tank permits.

The Zoning Administrator has commented that the a landscaped setback along the northern and southern property lines of at least six (6) feet, and a minimum of 15% of the paved areas

COUNTY PLANNING COMMISSION

August 2, 2006

CSU-60031

of the entire property are required to be landscaped. The applicant has noted on the site plan that they are requesting a waiver of the six-foot wide landscaping buffer requirement.

In addition, the Zoning Administrator has noted that the use of "crusher fines" throughout the site does not meet the surfacing requirements of the ordinance. Off-street parking areas on the site are required to be surfaced with concrete or asphalt, and must be to a compacted to a depth of at least six (6) and be continually maintained as being level and serviceable for use.

Lastly, additional clarification and details are needed concerning the existing signage for the property.

The Public Works Division has commented and are requiring the following: a 30-foot apron at the site entrance off 4th Street; 2) an access easement to provide access from 4th Street to the southern lot should the ownership change; 3) an approved conceptual grading and drainage plan; and 4) a Storm Water Pollution Prevention Plan (SWPPP).

PNM has also commented that the landscaping on western side of property on 4th Street may interfere with overhead electric facilities and will be trimmed if necessary.

ANALYSIS SUMMARY

Zoning	
Resolution 116-86	This request is consistent with Resolution 116-86, in that the use is more advantageous to the community as articulated in Policy 3.c of the North Valley Area Plan that states the City and County shall promote commercial development and redevelopment of existing commercially-zoned property.
Plans	
Comprehensive Plan	Policy 6.b emphasizes the development of local business enterprises as well as the recruitment of outside firms.
North Valley Area Plan	Consistent with Policy 3.c that states that City and County shall promote commercial development and redevelopment of existing commercially zoned property.
Other Requirements	
Environmental Health	Proof of utility connection and submittal of a mosquito control plan.
Public Works Division	A 30-foot apron at the entrance, an access easement to provide access to the southern lot, a conceptual grading and drainage plan, and a Storm Water Pollution Prevention Plan (SWPPP).

Conclusion

This horse stable operation has existed on this particularly site and has been serving the surrounding community since 1972. According to the applicant, the request does not appear to have had an adverse impact on the adjoining properties. The applicant currently has a Special Use Permit for the life of the use for this site and only intends to improve the quality of the existing activity as well as provide new amenities for riding during inclement weather. The use is not insignificant conflict with the North Valley Area Plan in that it is located in a recognized commercial corridor and existing commercially zoned properties may be developed or redeveloped with commercial uses.

RECOMMENDATION:

Staff is recommending approval based on the following Findings and Conditions.

Adella Gallegos,
Associate Program Planner

FINDINGS:

1. This is an approval of a Special Use Permit for a Specific Use for Business Service (commercial stable) on Tract 2, LD-71-478, located at 9034 4th Street NW, zoned R-1 & C-1, containing approximately 4 acres.
2. The property is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. This property has had a training stable operation on this site since 1972.
4. This request facilitates the Policy 6.b of the Albuquerque/Bernalillo County Comprehensive Plan in that the Plan emphasizes the development of local business enterprises as well as the recruitment of outside firms.
5. This request is consistent with Resolution 116-86 in that the proposed land use is more advantageous to the community as articulated in Policy 3.c of the North Valley Area Plan in that it states the City and County shall promote commercial development and redevelopment of existing commercially-zoned property.
6. This request has substantial neighborhood support.
7. Unique conditions justifying the request exist in that the property has had stables on it.
8. This request is consistent with the health, safety, and general welfare of the residents of the County.

COUNTY PLANNING COMMISSION

August 2, 2006

CSU-60031

9. The granting of this Special Use Permit for a Specific Use for Business Service (commercial stable) (CSU-60031) supercedes the previous special use permits (CSU-97-10 and CSU-72-42).

CONDITIONS:

1. Lighting shall be site specific. Shielded or cutoff light fixtures shall be provided so that no fugitive light crosses into adjacent lots. On-site light shall be shown on the revised site plan. Outdoor poles shall not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.
2. The applicant must submit to the Office of Environmental Health proof of utility connection or valid septic tank permits.
3. The applicant shall comply with Bernalillo County Zoning Ordinance, Section 21, for surfacing of parking areas.
4. The applicant shall comply with Bernalillo County Zoning Ordinance, Section 19, by providing a landscaped setback along the northern and southern property lines of at least six (6).
5. Signage details are required to be included on the revised site plan in accordance to the Bernalillo County Zoning Ordinance.
6. The applicant is required to provide a 30-foot apron at the site entrance off 4th Street is required in accordance to Bernalillo County standards.
7. The applicant shall provide an access easement from 4th Street to the southern lot and provide a copy to the Bernalillo County Zoning, Building, Planning and Environmental Health Department and the Public Works Division.
8. The applicant is required to provide a conceptual grading and drainage plan to the Public Works Division for review and approval. . A copy of the approval shall be submitted to the Bernalillo County Zoning, Building, Planning and Environmental Health Department and the Public Works Division.
9. The applicant shall submit a Storm Water Pollution Prevention Plan to the Public Works Division for review and approval. A copy of the approval shall be submitted to the Bernalillo County Zoning, Building, Planning and Environmental Health Department and the Public Works Division.
10. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.

COUNTY PLANNING COMMISSION

August 2, 2006

CSU-60031

11. A revised site development plan consistent with the Conditions of approval shall be submitted for review and approval by the Zoning Administrator within two months after final approval by the Board of County Commissioners.
12. The foregoing Conditions shall become effective immediately upon execution or utilization of any portion of the right and privileges authorized by this Special Use Permit.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

1. Water and sewer are available to this site. A water and sewer avail. statement is required.
2. Provide proof of connection to the utilities for current buildings. If, on well and septic tank provide proof of valid cur
3. Upon development provide proof of connection to the utilities.
3. The current site plan is very good and identifies the Environmental concerns that the Bernco Office of EH has. These being vector, animal waste, dust control, animal feed concerns.
4. A mosquito control plan for the on-site ponding is required.

Fire:

No comment received

Zoning Administrator:

Pony riding, rodeo grounds, and polo fields are listed as conditional in the A-1, A-2, and C-2 zones, and are allowed as permissive uses in the M-1 and M-2 zones, with certain limitations. These include the prohibition of stables used in connection with the activity and require that the use be conducted at least 300 feet from any dwelling unit when it is located on property zoned C-2, M-1 or M-2 [reference Section 15.B.3.a.(2)(h)]. These limits probably attempt to recognize the inherent noise and odor associated with these types of activities, and protect surrounding residential development.

The overall size of the property necessitates a landscape setback of at least 15 feet in width along Fourth Street, a landscape setback along the southern property line of at least six (6) feet, and a minimum of 15% of the paved areas of the entire property are required to be landscaped. The 15-foot buffer along Fourth contributes toward the 15-percent requirement. The buffer areas are required to utilize both deciduous and coniferous trees, shrubs, and ground cover, and must be watered with some sort of an irrigation system. The county strongly encourages the use of low-water plants, trees, and vegetation in these areas.

Off-street parking areas on the site are required to be surfaced with concrete or asphalt, and must be to a compacted to a depth of at least six (6) inches. Areas dedicated for off-street parking must be appropriately marked, striped and provide parking spaces for disabled individuals. Additionally, all surfacing on the property is required to be continually maintained as being level and serviceable for use.

COMMENTS FOR THE SITE PLAN

The landscaping buffer along Fourth Street should be increased to a width of 15 feet, and additional landscaping is recommended on the north and south sides of the property. Vegetation should include trees and shrubs, and should incorporate ground cover into the design. Trees should have a caliper of at least 1 1/2 inches and shrubs are required to be a minimum of size of 5-gallon at the time of planting.

The use of "crusher fines" throughout the site does not meet the surfacing requirements of the ordinance. Although the financial and water permeability advantages can be understood, the depth requirements (2" of asphalt concrete on a prime coat & a 4" compacted subgrade - or superior surface) and density of asphalt and/or concrete help to ensure that these areas remain level and serviceable in compliance with the requirements of the provision. A sufficient number of parking spaces are provided.

Additional clarification and details are needed concerning the existing signage for the property. The site plan shows an "entry sign" along Fourth Street, but the area and height of this structure is not shown. An elevation drawing showing the size of this sign is recommended.

Zoning Department Manager:

Must comply with below listed comments.

The proposed use is asking for additional area (covered riding arena) for the training stables. The proposed covered arena does not meet the setback requirements as listed under the R-1 Zone, which stipulates that any building, pen or corral where such animal is located is at least 20 feet from an existing dwelling unit.

No other adverse comment.

Shall comply with all applicable zoning requirements listed as conditions of approval.

Building Department Manager:

Public Works:

DRAN:

1. This property is subject to the Bernalillo County Code Chapter 38 for flood damage prevention and storm drainage.
2. This application shows extensive development of this site without accommodations for drainage infrastructure. A conceptual grading and drainage plan, prepared by an engineer licensed in the State of New Mexico, and approved by Bernalillo County Public Works Division is required of the entire site prior to the approval of this special use permit,
3. This property is subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.

COUNTY PLANNING COMMISSION

August 2, 2006

CSU-60031

DRE

1. A 30-foot asphalt paved apron will be required at the site entrance off 4th Street.
2. The southwest lot appears to obtain access from the property to the north. An access easement will be necessary to provide access from 4th Street to the southern lot should the ownership of either lot become different than that of the other.
3. The Specific Use Permit Application states that, "Improvements to the sites grading and drainage are being proposed at this time. As well as improvements to the sites parking and traffic circulation." (Jon Anderson Architect, p. 2) The parking and traffic circulation should be submitted for review.

Parks & Recreation:

No comment received

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

For information, a separate patch is identified along Second Street on the Long Range Bikeway System.

AMAFCA:

No comment.

City Planning Department:

No adverse comments

City Public Works:

Transp. Planning: No comment received

Transp. Development: No adverse comments.

City Transit: No comment received

ABCWUA Utility Development Section: No adverse comments.

City Environmental Health:

No comment received

City Open Space:

No comment.

COUNTY PLANNING COMMISSION

August 2, 2006

CSU-60031

NM Department of Transportation:

The additional improvements will not generate the amount of traffic that will adversely impact the operations.

PNM:

Landscaping on western side of property on 4th Street may interfere with Overhead Electric Facilities and will be trimmed if necessary. Applicant should meet with PNM.

Albuquerque Public School:

No comment received

NEIGHBORHOOD ASSOCIATIONS:

Alameda North Valley Association